



## UNITED STATES PATENT AND TRADEMARK OFFICE

02 OCT 2006

FF 8

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Finnegan, Henderson, Farrow,  
Garrett & Dunner, LLP  
901 New York Avenue, N.W.  
Washington, DC 20001-4413

In re Application of : DECISION ON  
Han-Jie ZHOU et al :  
PCT No.: PCT/US2004/001279 :  
Application No.: 10/541,441 :  
Int. Filing Date: 20 January 2004 : PETITION UNDER  
Priority Date: 17 January 2003 :  
Attorney's Docket No.: 09367.0046-00000 :  
For: COMPOUNDS, COMPOSITIONS,  
AND METHODS : 37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" filed on 02 August 2006.

**BACKGROUND**

In a decision from this Office on 09 June 2006, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that items (2) and (3) had not been satisfied.

On 02 August 2006, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 09 June 2006 with respect to accepting the above application without the signature of nonsigning inventor Mr. Dr. Andrew McDonald. Filed with the renewed petition, *inter alia*, is further documentary evidence of mailing the applications to Dr. Andrew and a statement of his last known address.

**DISCUSSION**

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 02 August 2006 has satisfied items 2 and 3 under 37 CFR 1.47(a). Thus satisfying all the items under 37 CFR 1.47(a).

Lauren Steven's averments do sufficiently demonstrate that a *bona fide* attempt was made to obtain the signature of Dr. McDonald and that he refused to sign the required papers. The declaration and application papers were mailed to him on July 17, 2006, to his work and on July 18, 2006 to his home address but he has not returned the required papers. Accordingly, the conduct of Dr. McDonald is interpreted based on the evidence of the papers submitted as a refusal to sign the required papers. Consequently, the current record does sufficiently establish Dr. McDonald refusal to join in the application.

In addition, petitioner has provided the last known address of Dr. Andrew McDonald

187 Elsie  
San Francisco, CA 94110

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

### CONCLUSION

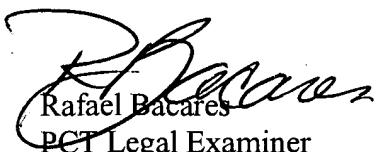
The petition under 37 CFR 1.47(a) is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **17 January 2006**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.



Rafael Bacares  
PCT Legal Examiner  
PCT Legal Office  
Telephone: (571) 272-6312  
Facsimile: (571) 273-0459